

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DAVY PETTIGREW,

Plaintiff,

-against-

AMSHER COLLECTION SERVICES INC.,

Defendant.

1:25-CV-2625 (JAV)

ORDER OF SERVICE

JEANNETTE A. VARGAS, United States District Judge:

Plaintiff filed a complaint in this action on March 28, 2025 (ECF No. 1), and an amended complaint on May 13, 2025 (ECF No. 8). By order dated April 4, 2025, the Court granted Plaintiff *in forma pauperis* (“IFP”) status. (ECF 4.) On April 27, 2025, Plaintiff filed a letter requesting to “opt out” of having Defendant served via the United States Marshals Service “and[,] instead[,] [for Plaintiff to be allowed to] effectuate service through a private process server or other qualified non-party.” (ECF 6). The Court grants Plaintiff’s request.

The Court directs the Clerk of Court to issue a summons as to Amsher Collection Services Inc. (“ACS”). The Court also directs Plaintiff to have the summons and amended complaint served on ACS within 90 days of the issuance of the summons.<sup>1</sup>

---

<sup>1</sup> Although Rule 4(m) of the Federal Rules of Civil Procedure generally requires that a summons be served within 90 days of the date the complaint is filed, Plaintiff is proceeding IFP and could not have effected service until the Court reviewed the complaint and ordered that a summons be issued. The Court therefore extends the time to serve ACS until 90 days after the date that a summons for ACS issues.

If within those 90 days, Plaintiff has not either had ACS served or requested an extension of time to do so, the Court may dismiss his claims against ACS under Rules 4 and 41 of the Federal Rules of Civil Procedure for failure to prosecute.

SO ORDERED.

Dated: May 16, 2025  
New York, New York



---

JEANNETTE A. VARGAS  
United States District Judge